IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 18061 of 2004

Between:

Mir Hamed Ali, s/o Mir Mahmood Ali,
r/o 10-3-69/1, Humayun Nagar, Hyderabad.

..... PETITIONER

AND

1 Government of Andhra Pradesh, rep., by its Principal Secretary, Revenue (UC-1) Department,
Secretariat, Hyderabad.
2 Special Officer and Competent Authority, Urban Land Ceilings, Hyderabad.
3 The Collector, Hyderabad District, Hyderabad.
4 Mandal Revenue Officer, Sheikhpet Village, Golconda Mandal, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ, declaring the action of the 1st respondent contained in G.O.MS.NO.455 DATED 29-07-2002 to the extent that it has provided anomaly in fixing uniform rate for allotment of the plot and houses in A1-Hamra Colony, Darga Road, Shaikhpet, Hyderabad without taking the relevant factors into considerations, as arbitrary and irrational and consequently direct the respondents to entertain and allot plots and houses in A1-Hamra Colony, Darga Road, Shaikhpet, Hyderabad on such rate which is prescribed for Ward Nos.9, quashing the interest of 1% per month on the calculated amount and rates as prevailing in 1984 be directed to be collected from the petitioner and grant any other relief as it deems fit and proper in the circumstances of the case

Counsel for the Petitioner: MR.G.GOPAL GOVIND NAIK

Counsel for the Respondents 1 to 4: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER:

Petitioner claims to be in peaceful possession of the land admeasuring 720 square yards, in Survey Nos.330 and 336 of Shaikhpet village, (known as A1-Harma Colony), having purchased the same under an oral agreement of sale, which was subsequently got registered in his name on 01.06.1996. Thereafter, he constructed two rooms, and is living therein peacefully.

Learned counsel for the petitioner states that the petitioner made an application for regularization of the said property, since it is declared as surplus land.

Learned Government Pleader places reliance upon a letter, dated 30.09.2004, said to have been issued by the Mandal Revenue Officer, Shaikpet Mandal, Hyderabd, and submits that the said land is declared as surplus, by the competent authority (Urban Land Ceiling) in C.C.No.E1/8796,8797,8798,8799,8000 and 8801/76, dated 13.09.2003, and that the possession has already been handed over to the Mandal Revenue Officer, Shaikpet on 04.09.2004 duly conducting panchanama, and that while taking possession of the same, a list of encroachments has been prepared, wherein the petitioner was shown as one among them, since he constructed the compound wall exceeding his boundaries. He further submits that if the petitioner applies for regularization, action will be taken as per the guidelines and procedure that is in vogue.

In view of the submission made by the learned Government Pleader, the petitioner is directed to approach the respondents, seeking regularization, by making appropriate application, if not already made, within a period of two weeks from the date of receipt of a copy of this order. On receiving such application, the respondents shall consider the request of the petitioner, for regularization, in the light of the guidelines that are applicable to the encroachers. Till the final orders are passed on such application, the petitioner

shall not be dispossessed from the land, in question, and the property shall not be demolished.

The Writ petition is accordingly disposed of with the above observations. No order as to costs.

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06-10-2004

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To

1 Government of Andhra Pradesh, rep., by its Principal Secretary, Revenue (UC-1) Department,
Secretariat, Hyderabad.
2 Special Officer and Competent Authority, Urban Land Ceilings, Hyderabad.
3 The Collector, Hyderabad District, Hyderabad.
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5 2CCs to the G.P. for Revenue, High Court Buildings, Hyderabad, (OUT)

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